

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 8**

**BRIDGESTONE/FIRESTONE
NORTH AMERICAN TIRE, LLC.**

Employer

and

Case No. 8-RC-16415

**UNITED STEELWORKERS OF
AMERICA, AFL-CIO, CLC**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.¹

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.²

The following employees of Bridgestone/Firestone North American Tire, LLC., (the Employer), constitute a voting group appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

¹ All parties appeared and had the opportunity to be heard at the hearing. The Employer and Petitioner filed post-hearing briefs that were duly considered. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. At the hearing the Petitioner entered into the record three letters written by Michael O'Connor, Local Union President to the Employer to establish centralized labor relations and functional integration regarding the production employees and technicians. The Hearing Officer admitted the letters into the record and allowed the Employer to cross-examine O'Connor concerning the letters. When O'Connor refused to answer the Employer's questions concerning the identity of the individuals involved in these matters, the Employer moved to strike his testimony and seal the record. In making my determination regarding the appropriateness of the voting group I did not rely upon O'Connor's testimony. Therefore, it is unnecessary to strike his testimony and seal the record.

² The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. The labor organization involved claims to represent certain employees of the Employer. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

All laboratory technicians in indoor test (department 159), special services and warehouse: x-ray/holograph (department 155) and advanced tire technology: dynamic research lab and tire mechanical lab (department 146) employed by the Employer at its Akron, Ohio location but excluding all other represented employees, all office clerical employees, and professional employees, guards and supervisors as defined in the Act.

Approximately 38 employees are in the voting group found to be appropriate.

I. ISSUES

There are two issues to be decided in this matter. The first issue is whether the current collective bargaining agreement between the parties prohibits the Petitioner from seeking to include the salaried laboratory technicians, including technical assistants, employed by the Employer at its Akron, Ohio complex, in an existing unit of production and maintenance employees currently represented by the Petitioner. The Employer's position is that pursuant to the existing contract the Petitioner is precluded from adding classifications to the existing production and maintenance unit without the consent of the Employer. The Employer therefore claims the petition should be dismissed.

If the contract language does not require dismissal of the petition, the second issue is whether the salaried laboratory technicians constitute an appropriate voting group that should be included in the existing production and maintenance bargaining unit represented by the Petitioner if they select the Union as their representative. The Petitioner contends that all of the laboratory technicians share a community of interest with the existing unit and accordingly seeks to represent them as part of the existing production and maintenance unit. The Employer asserts that the salaried laboratory technicians do not share a sufficient community of interest with the existing production and maintenance unit to be included in that unit. The Employer contends that the laboratory technicians can only be represented in a separate unit.

II. DECISION SUMMARY

For the reasons expressed herein, I deny the Employer's Motion to Dismiss. I find that the technicians constitute an appropriate voting group who share a community of interest with the employees in the existing production and maintenance unit represented by the Petitioner. Accordingly, I direct an election to determine whether the employees in the voting group are to be included in the existing production and maintenance unit. If a majority of the employees in the voting group vote for the Petitioner, they will be taken to have indicated their desire to constitute part of the existing production and maintenance unit represented by the Petitioner and I shall issue a certification to that effect.

III. FACTS

Firestone Tire and Rubber Company operated the Akron, Ohio complex until 1988 when it was purchased by the Bridgestone Corporation. The Company was then named Bridgestone/Firestone Inc., which is now headquartered in Nashville, Tennessee. Today, Bridgestone/Firestone North American Tire, LLC. is a Delaware limited liability corporation and a subsidiary of Bridgestone/Firestone Americas Holding, Inc. a Nevada corporation, which is a subsidiary of the parent Bridgestone Corporation headquartered in Tokyo, Japan.

Bridgestone/Firestone North American Tire develops, manufactures and markets brand, private brand and associate brand tires focusing on wholesale and original equipment. There are approximately 1,000 employees employed at the Akron, Ohio complex. The Employer and the Petitioner are parties to a collective bargaining agreement in which the Employer recognizes the Petitioner as the exclusive representative for the approximately 200 production and maintenance

employees at the Akron, Ohio complex. The Akron complex encompasses many different divisions including Bridgestone/Firestone Product Development, Production Development, Polymers, Research, Information Systems, Firestone Machine and various administrative functions. Mike Kostko, Human Resources Manager who is ultimately responsible for salaried and hourly employees throughout the Akron Complex, testified that the 38 employees in issue work in the Product Development Division in the Tire Test Labs Building. The President of the Product Development Division is Shigehisa Sano and the Division Vice-President is Dan Saurer.

The production and maintenance employees, represented by the Petitioner, are located throughout the Akron, Ohio Complex and are involved in the production of racing tires. Mike Kostko stated that the vast majority of the bargaining unit employees are located in Plant One on Firestone Parkway about half-mile from the Tire Test Labs Building. He clarified that there are also bargaining unit positions located in the following areas: Akron Polymers (quarter-mile from Tire Test Labs Building), Research (300 yards east of Tire Test Labs Building), Computer Center – Maintenance (300 yards away from Tire Test Labs Building) and the Tire Test Labs Building.

The record demonstrated that the Tire Test Labs Building houses the following areas: Dynamics Research Lab, Development Test Area, Uniformity Lab, Tire Mechanics Lab, Research, Development Warehouse, Maintenance, Firestone Machine and Firestone Research. Kostko testified that approximately 8 bargaining unit employees work in the Maintenance area and 20 to 30 bargaining unit employees work in the Firestone Machine area. In addition, bargaining unit employees transport tires from Plant One to the Development Warehouse area for storage. The technicians in issue work in three (3) departments located in the Tire Test Labs

Building: Advanced Tire Technology (department 146); Special Services and Warehouse, more commonly referred to as X-ray/Holography (department 155); and Indoor Test (department 159).³

William Eisenhower is the Manager of Advanced Tire Technology – Department 146. He supervises the approximately 22 individuals in this department. These individuals include Development Associates, Research Associates, Supervisor – Tire Mechanic Lab and two technicians and two technical assistants. The Petitioner seeks the inclusion of the technicians and technical assistants in the voting group.

Eisenhower testified that the lab technicians work one shift from 8:00 a.m.- 4:45 p.m. He explained that the lab technicians do not perform standard tests but rather develop individualized tests working closely with the engineers. In performing these tests the lab technicians provide the data for the engineers to analyze the output. The lab technicians also perform electronic work by designing and troubleshooting electrical circuits. The record establishes that the maintenance bargaining unit employees interact with lab technicians when required to lubricate machines, supply power, air conditioning, lighting and foundation work.

The X-ray/Holography Department – Department 155 is supervised by George Ursick, Jr., Manager – Advanced Technology Workshop/Building Services. Included in the department are a Technical Coordinator, two Senior Technical Assistants and seven Technicians. The Petitioner seeks to include the seven Technicians in the petitioned-for voting group. All

³ The record contains a brief reference to salaried laboratory technicians working in other departments at the Akron complex. There is no specific evidence concerning the number of such employees or their specific duties and skills. In the Employer's post-hearing brief there is no mention made of the significance of this limited testimony.

technicians report directly to Orrin VonKoenig who, in turn, reports to George Schneider, Technical Coordinator. The record establishes that none of the positions in the X-ray/Holography Department are currently bargaining unit positions.

Ursick testified that the lab technicians work three (3) shifts: 6:00 a.m.– 2:00 p.m.; 2:00 p.m.– 10:00 p.m. and 10:00 p.m. to 6:00 a.m. He explained that most of the bargaining unit employees work on the first shift but some work on the second and third shift. Ursick testified that the production of the racing tires takes place in Plant One where bargaining unit employees are responsible for mixing material; cutting fabric; building tires; curing tires; moving and handling the material/tires; and maintaining the machines.

The X-ray/Holography lab technicians do not actually produce the tires, rather they are responsible for checking their quality. After production, bargaining unit employees transport the tires to the Tire Test Labs Building where all of the front racing tires go through an x-ray unit and all of the rear tires go through a holography process. Bargaining unit employees are responsible for bringing the tires as close to the testing machines as possible so the salaried lab technicians can perform the testing. Ursick explained that if there are space problems and the tires cannot be stored near the machines, the salaried lab technicians will use the tow motors to retrieve tires as necessary.

Gene Aguirre, X-ray/Holography lab technician, testified that in addition to testing duties he is also certified to move tires on a tow motor and at times retrieves tires from the warehouse due to space problems. He explained that he has contact with the bargaining unit employees in the warehouse area, but rarely interacts with maintenance employees because of his 10:00 p.m.

to 6:00 a.m. shift. His interaction results from the X-ray/Holography Department being physically located in the warehouse area where bargaining unit employees work. He explained that the bargaining unit employees performing the labeling/stenciling operation are located between the holography and x-ray machines.

Once the racing tires are approved by the X-ray/Holography laboratory technicians, bargaining unit employees will transport them to the warehouse and label or stencil them. Ultimately the racing tires are moved to the distribution warehouse in Indianapolis. Also, on rare occasions, standard passenger or light truck tires may go through the x-ray/holography process. If any of these tires are rejected, bargaining unit employees transport them to Plant One and eventually such tires are destroyed. Both the X-ray/Holography lab technicians and the bargaining unit employees have working contact with the engineers during the production and testing process.

The largest number of Technicians and Technical Assistants that the Petitioner seeks to include in the voting group are located in the Indoor Test – Department 159. Here, the Petitioner seeks to include 27 of the total 32 employees. The Indoor Test Department is managed by David Johnson, Section Manager – Test Engineering/Indoor Test, who reports to Paul Sekula, Division Director – Tire Test. Reporting directly to David Johnson is the Section Leader for Indoor Test, Ronald Kasner. Ronald Kasner has four (4) supervisors directly reporting to him: Howard Volk, Supervisor – Uniformity Lab; Harvey Tetreault, Shift Supervisor; Samuel Jones, Shift Supervisor; and Kenneth Reash, Shift Supervisor.

Johnson testified that all the employees in the Indoor Test Department work three shifts: 8:00 a.m.- 4:00 p.m., 4:00 p.m.-12:00 a.m., 12:00 a.m.- 8:00 a.m. He described entry level lab technicians as working the “floor” and being responsible for mounting and balancing tires. He explained that lab technicians run endurance tests on low complexity machines which accounts for a large percentage of the testing of experimental tires. These tires come from any of the Employer’s plants in North, South and Central America. In addition, the lab technicians also perform high speed testing on race tires produced by the bargaining unit employees in the Advanced Technology Workshop. Before testing, these tires are transported by bargaining unit employees to the lab technicians. After testing, unit employees transport the tires to the warehouse or they are returned to an engineer for analysis.

William Long, an Indoor Tire Test salaried lab technician, stated that he has working contact with the maintenance bargaining unit employees that fix the machines he works on. Long also explained that when there is an overload of tires to be tested in the Tire Test Lab building he transports the tires to a small lab in Plant One. Craig Ross, a technical assistant in Indoor Tire Test, testified that he has considerable interaction with the bargaining unit employees who repair the test equipment he is in charge of.

All of the technicians and technical assistants the Petitioner seeks to include are salaried employees who are paid twice a month. The salaried position specifications at Bridgestone/Firestone are evaluated using the Hay Compensation System.⁴ The Employer has recently implemented a Banding System for most salaried position specifications. Under this system, the technician positions no longer progress from a minimum to a midpoint to the

maximum in separate salary grades (previously salary grades 4-7). Instead, all the technician positions are together in a “band” which has a range from \$1,610.00 to a maximum of \$3,430.00 per month. The technicians enter and move through the band based upon education\skills, experience and performance. Therefore, an individual technician’s salary varies based on these factors. Kostko explained that the Employer implemented this system to provide flexibility and to eliminate salaries being based upon a certain salary grade or time in a grade. The four technical assistant positions have not migrated to the Banding System and are still compensated in the traditional Salary Grade 8. All salaried employees receive annual performance evaluations and are given raises based upon merit. A variable incentive plan, where employees receive bonuses dependent upon the organization’s performance, is also provided for salaried employees. The salaried lab technicians are required to sign an “Agreement to Assign Inventions and Maintain Secrecy”.

The bargaining unit titles in the Akron Complex are varied, but include: mechanical service, electrical service, tool & die maker, welder, electro-mechanical assembly, machinist assembly technicians, experimental technicians, check/packer, truck driver, storeroom attendant, vessel/tank cleaner and custodian classifications. All these bargaining unit positions receive an hourly wage and are paid on a weekly basis. Bargaining unit positions have labor grades and their wages are determined through collective bargaining negotiations. An individual’s labor grade and time in that grade determines the particular wage rate. The current hourly wages range from \$10.50 to \$20.89 per hour, which is comparable to the salaried technician wages.⁵

⁴ A point factor system developed by Hay Consulting Group.

⁵ If converted into a salary equivalent, the lowest hourly wage of \$10.50 X 173.33 hours per month = \$1,820.00 per month and the highest hourly wage of \$20.89 X 173.33 hours per month = \$3,620.93. A difference of \$190.93 over the maximum \$3,430 per month paid in the current salaried technician band. Kostko testified that when converting wage rates from salaried to hourly use of 173.3 hours is standard.

Bargaining unit job descriptions are not evaluated based upon the Hay Compensation System or the Banding System. Bargaining unit employees do not receive annual performance evaluations or merit increases. Instead, the collective bargaining agreement provides a cost of living adjustment (COLA), this increase is not provided to salaried employees. However, bargaining unit employees do not participate in any variable incentive plans.

The salaried employees, including the technicians and technical assistants, are not covered by the current collective bargaining agreement; the benefits provided by the Employer are dissimilar for certain plans. In some cases the salaried employees receive benefits that the bargaining unit employees simply do not receive. For example, salaried employees receive long-term disability plans, short-term disability salary continuation plans, employer match for the 401(k) plan, long-term care plans, flexible spending accounts and vacation pay in increments of ½ days. The bargaining unit employees do not receive these particular benefits. Although the particulars of those benefits differ both salaried and bargaining unit employees receive other similar benefits. For example, both salaried and bargaining unit employees have health insurance plans, but the plan specifics vary. Bargaining unit employees do have a 401(k) plan but without a company match. In addition, hourly pension and life insurance plans are provided to unit employees, but they also differ from the salaried plans. The collective bargaining agreement covers, among other things, the use of overtime⁶, attendance, transfers/bumping of employees, and scheduling of vacation, which causes some differences from the salaried employees. The record established that all employees have the same parking areas, holiday schedules and are eligible for the Tire Discount Program.

The record indicates that the salaried lab technicians and bargaining unit positions have different minimum qualifications. While bargaining unit job descriptions listed qualifications range from the possession of a driver's license to journeyman certification, the salaried job specifications typically list an Associates (2-year) Degree and/or the equivalent level of experience, depending upon the particular position. However, Craig Ross, William Long, and Gene Aguirre, all currently working in the departments in issue as technicians or technical assistants, testified that they do not possess a 2-year degree. All of their technical training was acquired through on-the-job training. The record did not establish that bargaining unit and salaried employees are being temporarily or permanently transferred between classifications. However, Craig Ross testified that he had been a unit employee in the union before his layoff. He then obtained a salaried lab technician position in the Tire Test Labs Building.

IV. ANALYSIS

The Motion to Dismiss the Petition

The Employer contends that the petition should be dismissed based upon the express language of the collective bargaining agreement. In support of its contention, the Employer relies on Article 2, Section 1(A) of the collective bargaining agreement which reflects that the parties must mutually agree upon the inclusion or exclusion of employees in the bargaining unit. The Employer argues that since it does not agree with the inclusion of the salaried lab technicians in the existing production and maintenance unit, the petition must be dismissed.

In support of its argument the Employer relies upon cases where the Board acquiesced in a unit description agreed to by parties in an election agreement. **T & L Leasing, 318 NLRB 324 (1995); Summa Corp. v. NLRB, 625 F.2d 293 (9th Cir. 1980).** An entirely different issue is

⁶ The record indicates that salaried lab technicians do receive overtime, which requires a conversion to an hourly rate of pay.

presented by this case. The question here is whether the Union has waived the technicians' right to be represented in the existing bargaining unit based upon the language of the collective bargaining agreement. For contractual language to waive a statutorily protected right, the waiver must be clear and unmistakable. **Metropolitan Edison Co. v. NLRB, 460 NLRB 693 (1983).** Here, the Petitioner has not unequivocally waived its right to seek representation of the technicians. I note that the Board has held that a union can promise not to represent certain categories of employees during the term of an agreement and is therefore precluded from filing a petition seeking to represent those employees during that period. **Briggs Indiana Corp., 63 NLRB 1270, 1271-73 (1945).** However, the Board has held that this promise to refuse to represent certain employees must be express and must not simply be a situation where the employees in question are excluded from the contract unit. **Cessna Aircraft Co., 123 NLRB 855 (1959); Peabody Coal Co. v. NLRB, 725 F.2d 357, 362 (6th Cir. 1984).** Here, there is no evidence of a clear and unmistakable waiver or an express agreement to refrain from representing the technicians. As a result, I deny the Employer's motion to dismiss the petition.

The Petitioned-for Voting Group is Appropriate

Under Board precedent, a union need only seek an appropriate unit, not the most appropriate unit. **Overnite Transportation Co., 322 NLRB 723 (1996).** When determining what is an appropriate bargaining unit, the unit sought by the Petitioner is always a relevant factor. The Board must determine only whether the requested unit is appropriate, even though it may not be the optimum or most appropriate unit. ***I.d.* at 723.** The Petitioner in this case seeks to include the salaried laboratory technicians located in the following departments: Advanced

Tire Technology, X-ray/Holography, and Indoor Test, in the existing production and maintenance bargaining unit by virtue of a self-determination election.⁷

When an incumbent union seeks to add a group of previously unrepresented employees to its existing unit, and no other labor organization is involved, if it is appropriate the Board conducts a self-determination election. In such an election, if a majority of the employees vote against representation, they are considered to have indicated a desire to remain unrepresented, but if a majority vote for the petitioner, they are deemed to have indicated their desire to become part of the existing unit, represented by the incumbent union. The Board has held that it is necessary to determine whether employees to be included in the existing unit constitute an identifiable, distinct segment so as to establish an appropriate voting group as well as sharing a community of interest with the existing group. **Warner Lambert Co., 298 NLRB 993, 995 (1990)**. The record establishes that the salaried laboratory technicians in the instant case constitute an identifiable, distinct group of employees so as to constitute an appropriate voting group. They possess similar skills, perform similar tasks and possess similar working conditions.

To determine whether the salaried laboratory technicians share a community of interest with the production and maintenance employees the Board weighs “various community of interest factors”, which include:

“[A] difference in the method of wages or compensation; different hours of work; different employment benefits; separate supervision; the degree of dissimilar qualifications; training and skills; differences in job functions and time spent away from the employment or plant situs under State or Federal regulations; the infrequency or lack of contact with other employees; lack of integration with work functions of other employees or interchange with them; and the history of bargaining.” **Kalamazoo Paper Box Corp., 136 NLRB 134, 137 (1962)**.

⁷ Such elections are also referred to as **Armour-Globe** elections. See **Armour and Co., 40 NLRB 1333 (1942)** and **Globe Machine and Stamping Co., 3 NLRB 294 (1937)**.

In the instant case, the record revealed that the wages and hours are comparable, any differences in benefits are due principally to the collective bargaining agreement covering bargaining unit employees, there is a high degree of interaction between the bargaining unit employees and the salaried technicians, and there is significant functional integration between the laboratory technicians and production maintenance employees. The major difference between the groups is the lack of common supervision.

The wages of the laboratory technicians are paid as a salary, but when the hourly rates of the bargaining unit employees are converted to a salaried amount they are comparable. Additionally, the Employer's Akron Complex basically runs a three shift operation with the majority of the departments following this format. The Employer maintains a centralized labor relations and benefits administration department. The Board has held that the mere fact that some employees received a salary, did not punch a time clock, adjusted their own hours and received different health benefits was an inadequate basis for exclusion from a unit. **K.G. Knitting Mills, Inc., 320 NLRB 374 (1995).**

The record establishes that bargaining unit employees and the salaried lab technicians work together in a highly integrated tire manufacturing process at the Akron Complex. As noted above, bargaining unit employees physically work in the Tire Test Labs Building where the technicians in issue work. Furthermore, the significant integration of the production and testing process is evidenced by the fact that before racing tires are sold to race teams across the country, the tires must be produced and transported by bargaining unit employees; tested by salaried lab technicians; labeled/stenciled by bargaining unit employees and again transported by them.

Bargaining unit employees perform maintenance work on the test laboratory equipment, and lab technicians are also responsible for some maintenance on their machines.

The Board has held that technical employees were properly included in the production and maintenance unit sought by a union where development is a key feature of the employer's business since the employees engaged in testing are not by reason of their duties and functions a distinct and homogenous group constituting a separate appropriate unit. **Airesearch Mfg. Co of Arizona**, 137 NLRB 632 (1962).

The qualifications of the laboratory technicians are similar to the level required of the current production and maintenance employees. Although, the Employer points out that some technicians are now required to possess an Associates (2-year) Degree, there was testimony from current lab technicians in the Indoor Tire Test Lab and X-ray/Holography areas explaining that they do not possess an Associates Degree. Rather, all their technical training was accomplished on-the-job. Meanwhile, production and maintenance positions are also trained on-the-job and for certain positions the Employer actually require applicants to be journeymen in order to be hired.

The record indicates that there is no common supervision over lab technicians and the bargaining unit employees. However, Mr. George Ursick has responsibility for both the Advanced Technology Workshop where the race tires are produced as well as the testing of the tires in the X-ray/Holography department. In addition, Orin VonKoenig in the X-ray/Holograph department is also a technical coordinator for the curing process performed by unit employees in the Advanced Technology Workshop. Although lack of common supervision is a factor that militates against the inclusion of the lab technicians, the Board has not regarded differences in supervision as a per se basis for exclusion. See **Hotel Services Group, Inc.**, 328 NLRB 116,

117 (1999) and Texas-Empire Pipe Line Co., 88 NLRB 631(1950). In the instant case, the highly integrated production process, high frequency of interaction between lab technicians and bargaining unit employees, and substantially similar wages and hours weighs in favor of the inclusion of the lab technicians in the existing production and maintenance unit if they select the Petitioner as their representative.

At the hearing, the parties stipulated that the following individuals are supervisors within the meaning of Section 2(11) of the Act and are excluded from the unit: Howard Volk, Harvey Tetreault, Samuel Jones, Kenneth Reash, Orrin VonKoenig, James Siegfried, and Stanley Olesky. Since there is no contrary record evidence, I shall accept the parties stipulation and shall exclude them from the unit.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the voting group found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the voting group who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated

payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **United Steelworkers of America, AFL-CIO, CLC**.

If a majority of employees in the voting group vote for the Petitioner, they will be taken to have indicated their desire to constitute part of the existing production and maintenance unit represented by the Petitioner and I shall issue a certificate of results to that effect.

LIST OF VOTERS

In order to ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. **Excelsior Underwear Inc.**, 156 NLRB 1236 (1966); **N.L.R.B. v. Wyman-Gordon Co.**, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this decision. **North Macon Health Care Facility**, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by **Thursday, September 5, 2002**.

DATED at Cleveland, Ohio this **21st** day of August 2002.

/s/ Frederick J. Calatrello

Frederick J. Calatrello
Regional Director
National Labor Relations Board
Region 8

401-7550

420-1236